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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,883	11/26/2003	Huirong Yao	2003US311	5998

7590

04/25/2005

Alan P. Kass
Clariant Corporation
70 Meister Avenue
Somerville, NJ 08876

EXAMINER

SCHILLING, RICHARD L

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,883

Applicant(s)

YAO ET AL.

Examiner

Richard L. Schilling

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-51 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

1. Restriction to one of the following inventions is required under 35 U.S.C. § 121:

I. Claims 1-39, drawn to polymers with monomers of Formula 1, monomer compounds thereof, methods of making the monomers and cross-linked compositions of the polymer, classified in Class 526, subclass 262.

II. Claims 1-12, 19-32 and 48, drawn to polymers with monomers of Formula II, monomer compounds thereof, methods of making the monomers and cross-linked compositions containing the polymers, classified in Class 526, subclass 302.

III. Claims 39-47, drawn to method of making polymers, classified in Class 526, subclass 320.

IV. Claims 49-51, drawn to process of forming an image, classified in Class 430, subclass 323.

The inventions are distinct, each from the other because of the following reasons:

Groups I and II are drawn to mutually exclusive, independent inventions directed to mutually exclusive polymers, monomers and methods of making the monomers as well as cross-linked compositions of the patentably distinct polymers. The polymer of Formula I does not suggest the polymer of Formula II and the monomers of the polymers are made by different methods using different starting materials. The method of making the

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polymer of Group III is patentably distinct and mutually exclusive from the method of making the monomer of Group I since the method of Group III does not make the monomer of Group I but rather first polymerizes a different monomer to make a polymer different from the polymer of Group I. The antireflection coatings of Groups I and II need not be used in the imaging methods of Group IV but may be used, for example, as protective coatings on packaging material or as binders for antireflection coatings in photographic materials not using photoresists, e.g. silver halide materials. Claims 1-12 and 19-32 contain inventions directed to both Groups I and II so that if either Groups I and II are elected, then the inventions of claims 1-12 and 19-32 directed to two mutually exclusive polymers and monomers should be separated out into separate claims.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classifications, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

2. Any inquiry concerning this communication should be directed to Mr. Schilling at telephone number (571) 272-1335.

Serial No. 10/721,883

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RLSchilling:cdc

April 20, 2005

RICHARD L. SCHILLING
PRIMARY EXAMINER
GROUP 1100

Richard L. Schilling